



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 13 2016

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the West County Wastewater District for 4-Inch to 24-Inch TR Flex Pipe Fittings

**FROM:** Andrew D. Sawyers, Director  
Office of Wastewater Management

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers".

The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the West County Wastewater District in California for the purchase of 4-inch to 24-inch TR Flex ductile iron fittings. This waiver permits the use of these TR Flex fittings manufactured outside of the United States in the District's wastewater treatment plant improvement projects because no domestic manufacturers produce alternatives that meet the District's technical specifications. This is a product specific waiver and only applies to the use of the specified products for the West County Wastewater District for wastewater treatment plant improvement projects funded by the Clean Water State Revolving Fund. Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. The EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) of the Clean Water Act. The provision states that, "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency... finds that - (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The contractor for the West County Wastewater District provided information to the Agency asserting that there are no manufacturers producing 4-inch to 24-inch TR Flex ductile iron fittings in the United States in sufficient and reasonably available quantities. The District plans to install 39 TR Flex fittings (including elbows and reducing tees) as part of its Recycled Water Reliability Upgrades project and its Miscellaneous Mechanical Improvements project. Both projects are located at the District's Water Pollution Control Plant in Point Richmond, CA. The project contractor for these projects attempted to find domestic manufacturers of TR Flex fittings by contacting vendors, but was unable to find a domestic source for the fittings in the size ranges needed.

While the contractor was aware of other methods to restrain pipe besides using TR Flex fittings, the design engineer for the project required TR Flex fittings because switching to a different type of fitting would result in significant redesign of the project. According to the engineer, the wastewater treatment plant facility had experienced differential settlement between unsupported pipes that resulted in leaking at the joints because the pipes and joints were not designed with adequate allowable deflection. The current wastewater treatment plant improvement projects at the facility require TR Flex fittings because these fittings provide adequate allowable deflection, while also offering restraint at the pipe joints. Substituting a different method of restraining pipe would require redesign of the project because the contractor would need to install piles under each pipe support to prevent differential settlement.

The EPA conducted market research on the supply and availability of 4-inch to 24-inch TR Flex fittings. The Agency was unable to find a domestic manufacturer of the specified TR Flex fittings and concluded that the applicant's claim is supported by available evidence. The Agency's market research identified two manufacturers that produce TR Flex fittings, but neither manufacturer produces the products domestically in the sizes required.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the West County Wastewater District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified TR Flex fittings documented in the state of California's waiver request submittal on behalf of the applicant dated May 17, 2016. The waiver covers current and future CWSRF funded wastewater treatment plant improvement projects at the West County Wastewater District's Water Pollution Control Plant in Point Richmond, CA that require the specified 4-inch to 24-inch TR Flex fittings.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at [connor.timothy@epa.gov](mailto:connor.timothy@epa.gov) or (202) 566-1059.